

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2022-06

AN ORDINANCE AMENDING CHAPTER 96, "GAITWAY REDEVELOPMENT AREA," SECTION 96-2, "ADOPTION OF REDEVELOPMENT PLAN," OF THE CODE OF THE TOWNSHIP OF MANALAPAN, AMENDING AND SUPPLEMENTING THE GAITWAY REDEVELOPMENT PLAN

WHEREAS, on the December 22, 2021, the Township Committee of the Township of Manalapan adopted Chapter 96, "Gaitway Redevelopment Area," of the Code of the Township of Manalapan and adopted the Gaitway Redevelopment Plan to regulate development in that area; and

WHEREAS, during the course of the public hearing on the aforesaid ordinance the Township Committee heard concerns of the equestrian industry with respect to the existing horse farm within the redevelopment area and finds that requiring the designated redeveloper to preserve equestrian activities would be beneficial to the residents of the Township of Manalapan and the equestrian industry within the Township and in surrounding areas; and

WHEREAS, Township Committee has determined that it would be appropriate to amend the Gaitway Redevelopment Plan to provide for the preservation of equestrian activity; and

WHEREAS, the Township Committee wishes to further amend the plan to clarify the Township's intentions to ensure the construction of a recreational facility at the former Marianne Manor site on Route 33, which the Committee believes to be appropriate and necessary to serve the needs of the Township of Manalapan and its residents;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth in the State of New Jersey as follows:

SECTION 1. Chapter 96, "Gaitway Redevelopment Area", of the Code of the Township of Manalapan, Section 96-2, "Adoption of Redevelopment Plan," be and the same is hereby amended and supplemented by the addition thereto of subsection 96-2A to read as follows:

"A. Section 2.7, "OPEN SPACE/PRESERVATION AREA REQUIREMENTS," of the Gaitway Redevelopment Plan, adopted on

December 22, 2021, be and the same is hereby amended and supplemented to read, in full, as follows:

"2.7 OPEN SPACE/PRESERVATION/RECREATION AREA REQUIREMENTS

2.7.1 Open Space Set-aside

- a. A minimum of 40% of the 225-acre Redevelopment Area shall be preserved as open space and/or farmland, which may include the raising and training of horses.
- b. Open space and/or preserved farmland shall be situated so as to maximize buffer and separation between the commercial uses within the Redevelopment Area and any nearby residential zones to the South.
- c. Any portion of an open space area that was previously cleared, cultivated, or otherwise used for agriculture or equestrian activities that will be abandoned must be re-forested in accordance with a plan approved by the Township Forester.
- d. The open space/preservation shall be permanently secured through an easement pursuant to §95-8.10.
- e. A Redevelopment Agreement that enables the construction of one or more warehouses on Lots 11.01 and/or 12 (Gaitway tracts) must include the development of a privately owned and operated ice skating facility on the Marianne Manor site (See Table 1), as such a facility does not currently exist in Manalapan Township.

SECTION 2. Chapter 96, "Gaitway Redevelopment Area", of the Code of the Township of Manalapan, Section 96-2, "Adoption of Redevelopment Plan," be and the same is hereby amended and supplemented by the addition thereto of subsection 96-2B to read as follows:

"B. Section 4, "REDEVELOPMENT ACTIONS," of the Gaitway Redevelopment Plan, adopted on December 22, 2021, be and the same is hereby amended and supplemented to read, in full, as follows:

“4 REDEVELOPMENT ACTIONS

4.1 REDEVELOPMENT AGREEMENT

The effective redevelopment of the Redevelopment Area, particularly the necessary improvements to the Route 33 intersections and the development of a privately owned and operated ice skating facility on the Marianne Manor tract (see Table 1), requires the coordinated acquisition and assemblage of properties within the Redevelopment Area by one Redeveloper. The Redevelopment Area was designated as a Non-condemnation Redevelopment Area. Therefore, the designated Redeveloper selected by the Township Committee shall have acquired or demonstrated sufficient control of key properties to implement this Redevelopment Plan. The designated Redeveloper shall enter into a Redevelopment Agreement with the Township that shall include a project schedule to complete acquisition of the necessary property for the entire project, obtain permits and approvals and otherwise effectuate the goals and requirements of this Redevelopment Plan. The Redevelopment Agreement will stipulate the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein. The Redevelopment Agreement will also contain the terms, conditions, specifications, and description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to the Redeveloper’s obligation to provide the necessary infrastructure and improvements.

4.2 PROPERTY ACQUISITION

Pursuant to N.J.S.A. 40A:12A-8(c), the Township shall not have the power to take or acquire private property by condemnation in furtherance of the Redevelopment Plan for a redevelopment project in a Non-Condemnation Area in Need of Redevelopment. Therefore , in order to be eligible for designation as Redeveloper, the following key properties shall have been either acquired or secured by contract or other means of control prior to the execution of the Redevelopment Agreement:

1. Block 74, Lot 12 (Gaitway Farm);
2. Block 74, Lots 9, 10, 11.01;
3. Block 74, Lot 6;
4. Block 74, lots 7 and 8 (Marianne Manor).

4.3 RELOCATION

This Redevelopment Plan does not anticipate the need for the statutory relocation of any residents or businesses within the Redevelopment Area. However, preservation of the equestrian activities of Gaitway Farm is a goal of this Redevelopment Plan. Therefore, in addition to demonstrating control over the key properties identified in Section 4.2 above, to be eligible for designation as Redeveloper, a redeveloper must

demonstrate the ability to enable the equestrian activities of Gaitway Farm to continue through the retention of the existing mile-long and secondary horse training tracks of Gaitway Farm, together with an additional contiguous area on an adjacent property of 60 acres or more, whether or not such property is included in the Redevelopment Area.

4.4 CONSTRUCTION

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan, the Redevelopment Agreement and in substantial consistency with the Concept Plan in Figure 5. Other actions needed to be undertaken to implement the Redevelopment Plan may include the clearance of dilapidated, deteriorated, obsolete, or underutilized structures or uses; and provision for public improvements necessary to support new development.

4.5 OTHER ACTIONS

In addition to the proposed actions outlined above, other actions may be taken to further the goals of this Redevelopment Plan. These may include but shall not be limited to: 1) environmental remediation; and 2) creation and/or vacation of public utility easements and other easements and rights-of-way as may be necessary to effectuate redevelopment.”

SECTION 3. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency.

SECTION 4. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

SECTION 5. A copy of this Ordinance and the Redevelopment Plan, as amended, shall be available for public inspection at the office of the Township Clerk during regular business hours.

SECTION 6. This Ordinance shall become effective upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [March 30, 2022](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [April 27, 2022](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [April 27, 2022](#).

SHARI ROSE, RMC
Municipal Clerk